

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pablo Tamayo, Jill P. Mesirov, Eric S. Lander, and Todd R. Golub
Application No.: 09/525,142 Group: 1631
Filed: March 14, 2000 Examiner: S. Zhou
For: Methods and Apparatus for Analyzing Gene Expression Data

#19

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on <u>04/01/02</u>	<u>Annie Demirel</u>
Date	Signature
<u>Annie Demirel</u>	
Typed or printed name of person signing certificate	

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REQUEST FOR CORRECTED FILING RECEIPT
FOR UTILITY APPLICATION

Office of Initial Patent Examination
Customer Service Center
Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

We hereby request that the following items of information be corrected in the Filing Receipt for the subject application received in this office on March 18, 2002.

The errors and corrections appear below:

Under **Filing Fee Rec'd** the amount of \$1,948 should be deleted and \$850 inserted. This amount includes the one month Petition for Extension of Time Fee.

Under **Total Claims** the number 61 should be deleted and the number 18 inserted.

Under **Independent Claims** the number 8 should be deleted and the number 2 inserted.

Please note that Hamilton, Brook, Smith & Reynolds, P.C. has moved. A Change of Correspondence Address document is submitted herewith.

Enclosed are copies of the Filing Receipt with changes noted in red and a copy of the CPA Request Transmittal.

Pursuant to instructions in the February 29, 2000 O.G., we hereby request that the errors which are identified above be corrected in the captioned application to which this request for correction is directed. It is understood that the Patent Office will issue an automatically-generated, corrected Filing Receipt in this and, if applicable, any other affected applications.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Antoinette G. Giugliano

Registration No.: 42,582

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 4/11/02

APR 08 2002

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional applications under 37 C.F.R. 1.53(d))

CHECK BOX, if applicable.



DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
P.O. Box 2327
Arlington, VA 22202

Attorney Docket No. of Prior Application	2825.1014-001
First Named Inventor	Pablo Tamayo
Examiner Name	S. Zhou
Group / Art Unit	1631
Express Mail Label No.	EL 928150185 US

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. 1.53(d) (continued prosecution application (CPA)) of prior application number 09/525,142, filed on March 14, 2000, entitled "METHODS AND APPARATUS FOR ANALYZING GENE EXPRESSION DATA".

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) that national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☒ Enter the unentered Reply After Rejection Under 37 C.F.R. 1.116 and Declaration of Pablo Tamayo, Jill Mesirov, Eric S. Lander, and Todd R. Golub Under 37 C.F.R. § 1.131 previously filed on January 28, 2002 under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
[]
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	18 - 20* =		x \$ 18 =	\$ 0
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	2 - 3** =		x \$ 84 =	\$ 0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 280 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 740
				Total of above Calculations =	\$ 740
	Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =				\$
				TOTAL =	\$ 740
	Petition for Extension of Time Fee (37 C.F.R. 1.17) =				\$ 110
				TOTAL =	\$ 850
	* Reissue claims in excess of 20 and over original patent				
	** Reissue independent claims over original patent				

6. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

8. ☒ A check is enclosed for \$850. ☐ Please charge \$[] to Deposit Account No. 08-0380.

9. ☐ New Attorney Docket No. [].

10. ☒ a. ☐ Receipt for Facsimile Transmitted CPA

b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

11. ☐ Other: _____

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS

NAME			
ADDRESS			
CITY	STATE	ZIP CODE	
COUNTRY	TELEPHONE	FAX	

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Antoinette G. Giugliano</i>	Date	2/25/02
Submitted by Typed or Printed Name	Antoinette G. Giugliano	Reg. Number	42,582



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pablo Tamayo, Jill P. Mesirov, Eric S. Lander, and Todd R. Golub

Application No.: 09/525,142 Group: 1631

Filed: March 14, 2000 Examiner: S. Zhou

For: Methods and Apparatus for Analyzing Gene Expression Data

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on <u>04/01/02</u>	<u>Annie Demirel</u>
Date	Signature
<u>Annie Demirel</u>	
Typed or printed name of person signing certificate	

CHANGE OF CORRESPONDENCE ADDRESS

Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

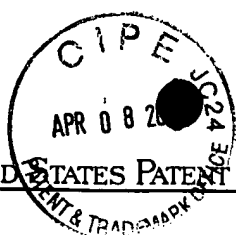
Please change the correspondence address for the above captioned patent as follows:
All correspondence should be sent to Customer Number 021005, Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133. Please direct all telephone calls to Mary Lou Wakimura at (978) 341-0036, and all facsimile communications to (978) 341-0136.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Antoinette G. Giuliani
Antoinette G. Giuliani
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Date: 4/1/02



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/525,142	03/14/2000	1631	4948 850	2825.1014- 001	18	61 18	8 2

CONFIRMATION NO. 8330

CORRECTED FILING RECEIPT



OC000000007615733

Mary Lou Wakimura Esq
Hamilton Brook Smith & Reynolds PC
~~Two Militia Drive~~ *530 Virginia Road, P.O. Box 9133*
~~Lexington, MA 02421-4799~~ *Concord, MA 01742-9133*

Date Mailed: 03/11/2002

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Pablo Tamayo, Cambridge, MA;
Jill P. Mesirov, Belmont, MA;
Eric S. Lander, Cambridge, MA;
Todd R. Golub, Newton, MA;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/124,453 03/15/1999

Foreign Applications

If Required, Foreign Filing License Granted 05/16/2000

CPA filed on: 02/26/2002

Projected Publication Date: 06/20/2002

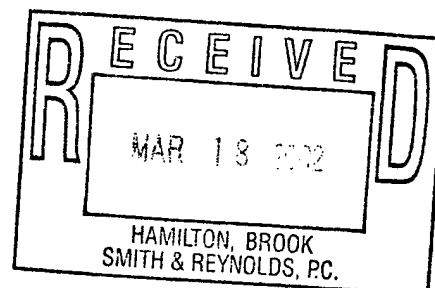
Non-Publication Request: No

Early Publication Request: No

Title

Methods and apparatus for analyzing gene expression data

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Preliminary Class

536

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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HAMILTON
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SMITH &
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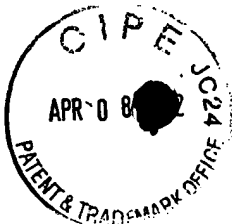
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BARBARA J. FORGUE
ADMINISTRATOR OF
PATENT AND
TRADEMARK PRACTICE



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ANNOUNCEMENT

Please note that Hamilton, Brook, Smith & Reynolds, P.C.,
has relocated.

Effective immediately, our new postal address and contact
numbers are as follows:

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Concord, Massachusetts 01742-9133
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Telephone: (978) 341-0036
Facsimile: (978) 341-0136